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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE CONVENANT

Concluding Observations of the Human Rights Committee

GABON

1. The Committee considered the initial report of Gabon (CCPR/C/31/Add.4) at its 1541st to 1543rd meetings, on 28 and 29 October 1996, and adopted [1] the following observations.

A. Introduction

2. The Committee welcomes the opportunity to initiate its dialogue with the Government of Gabon while regretting that this follows a lapse of over 12 years in the submission of the report by the State Party. While the Committee regrets the scarcity of information contained in the written report, it expresses its appreciation for the high-level delegation, as well as for the detailed and up-dated additional information provided for by the delegation in response to the questions posed by the Committee.

B. Factors and difficulties affecting the application of the Covenant

3. The Committee notes the existence in the State party of customs and traditions, particularly in the area of equality between men and women, which may impede the full observance of relevant provisions of the Covenant.

[1] At its 1556th meeting, held on 6 November 1996.

C. Positive aspects

4. The Committee welcomes the positive political evolution of Gabon towards a multi-party and pluralistic democracy since the entry into force of the 1991 Constitution and its amendment of 18 March 1994. It notes with satisfaction the establishment in 1987 of a Ministry of Communication, Culture, Art and Human Rights, which includes human rights among the subjects for which it has responsibility. The Committee appreciates the statement made by the delegation to the effect that the Government intends to establish, as a statutory, autonomous body, a National Human Rights Commission for the promotion and protection of human rights.

5. The Committee welcomes Gabon's accession without any reservation to various international human rights instruments.

6. The Committee notes with satisfaction that pursuant to the introduction of the multi-party system, 20 political parties have been created and that, further to the promulgation of the 1994 Labour Code and of the 1993 Act on trade-union organizations of public servants, the previous trade union monopoly system has been removed.

7. The Committee appreciates the statement by the delegation that information on international human rights instruments and in particular of the provisions of the Covenant would be disseminated among the public.

D. Principal subjects of concern

8. The Committee regrets that the opportunity was not taken by the drafters of the Constitution to include in the 1994 Constitution, which refers to other international human rights instruments, a specific reference to the Covenant and its legal relationship with the domestic legal order. It further regrets that all rights provided for in the Covenant are not incorporated into domestic law and that effective remedies are not provided in all cases of violation of rights protected under the Covenant.

9. The Committee is concerned that the non-discrimination clauses in the Covenant, as laid down in its articles 2, 3 and 26 are not fully reflected in the Constitution. Particular concern is expressed at the prevailing discriminatory attitudes in society towards women and at the insufficiency and lack of effectiveness of measures adopted to prevent them.

10. The Committee is concerned about the lack of safeguards and effective remedies available to individuals during a state of emergency and particularly regrets the lack of information on the situation of non-derogable rights in such circumstances.

11. The Committee regrets that despite the Government's declared policy of not applying the death penalty, no legal steps have yet been taken to abolish it.

12. The Committee is concerned that the guarantees contained in articles 7, 9 and 10 of the Covenant are not fully complied with either in law or in

practice. In particular, it is seriously concerned about the length of time that individuals may have to spend in police custody and pre-trial detention.

13. The Committee is concerned about the practice of imprisonment for civil debt, in contravention of article 11 of the Covenant.

14. The Committee is also concerned about the "dilapidated state of jail cells" and notes that insufficient measures have been taken to provide law enforcement officials with appropriate training in the field of human rights, and to inform arrested persons and detainees of their rights. The Committee further deplores the fact that the police force is a component of the country's military forces and, as such, is subject to the military command of the Ministry of Defense.

15. The Committee is concerned about the lack of information on measures to ensure the independence and impartiality of the judiciary in conformity with article 14 of the Covenant.

16. With regard to the rights of non-Gabonese citizens and refugees living in Gabon, the Committee is concerned about legal impediments to their freedom of movement within the country as well as by the requirement of an exit visa for foreign workers, which run counter to the provisions in article 12 of the Covenant. It is particularly worried by the appalling conditions prevailing in refugee centres, including at the Libreville Detention Camp, which led to the death of a number of persons through suffocation and dehydration.

17. The Committee is concerned about the lack of measures taken to implement the rights of persons belonging to minorities, as set forth in article 27 of the Covenant.

E. Suggestions and recommendations

18. The Committee recommends that the Covenant be incorporated in the domestic legal order and that its provisions be made directly applicable before the courts. In this connection, the Committee emphasizes the importance of establishing a National Commission on Human Rights as a permanent and independent mechanism to monitor the effective implementation of the Covenant and to provide training to law enforcement officials and appropriate information to the public.

19. The Committee recommends that all grounds on which discrimination is prohibited, as provided for in articles 2 and 26 of the Covenant, be incorporated in the relevant provisions of the Constitution. It further recommends that article 2 of the Constitution be amended to ensure its compatibility with articles 2 (1), 3 and 26 of the Covenant and that affirmative measures be taken to strengthen the participation of women in the political, economic and social life of the country and to overcome the discriminatory effects of customary laws.

20. The Committee recommends that the State party urgently adopt and incorporate all relevant provisions of article 4 of the Covenant into the Constitution.

21. The Committee recommends that the State party consider the abolition of the death penalty and accession to the Second Optional Protocol to the Covenant.

22. The Committee recommends that all legal provisions or executive orders be reviewed to ensure their compatibility with articles 7, 9 and 10 of the Covenant and their effective implementation in practice. Urgent steps should be taken to review the duration of police custody and preventive detention and to ensure the independent investigation of all allegations of ill-treatment by police and prison officers.

23. The Committee recommends that prison conditions should be brought into compliance with article 10 of the Covenant and with the United Nations Standard Minimum Rules for the Treatment of Prisoners and to make these standards accessible to the police, armed forces, prison personnel and other persons responsible for holding interrogations as well as to persons deprived of their liberty.

24. The Committee urgently recommends the abolition of imprisonment for civil debt, in compliance with article 11 of the Covenant.

25. The Committee strongly recommends that the State party take the necessary measures to ensure that the police be transformed into a civilian force not subject to the military command of the Ministry of Defence. The Committee also recommends that the State party include in its second periodic report information on measures to ensure the independence and impartiality of the judiciary.

26. Existing provisions such as article 1, paragraph 3 of the Constitution limiting or restricting the exercise of the right to freedom of movement for non-Gabonese citizens, including the requirement of exit visas should be reviewed to bring the legislation fully in conformity with article 12 of the Covenant. The Committee further recommends that the State party consider adopting measures to improve refugee status and living conditions in refugee centres.

27. The Committee recommends that the Government of Gabon develop information and awareness programmes on the principles and provisions of the Covenant in the various languages spoken in Gabon. Additionally, the Committee recommends that human rights education be provided at all levels in schools and comprehensive human rights training be provided to all segments of the population, including law enforcement officers and all the persons involved in the administration of justice. In this regard, the Committee suggests that the State party avail itself of the technical cooperation services of the High Commissioner/Centre for Human Rights.

28. The Committee encourages the State party to disseminate widely the State party's report and the concluding observations adopted by the Committee following its consideration of the report.

29. The Committee recommends that full and comprehensive information on the implementation of the provisions of the Covenant, in law and in practice, be incorporated in the State party's next periodic report.